GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:1556
ANSWERED ON:01.08.2001
REINSTATEMENT OF AN EXECUTIVE ENGINEER
PRABHUNATH SINGH

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Supreme Court has held while dismissing an appeal filled by the Gujarat Government against a High Court order directing reinstatement of an executive engineer who was compulsorily retired, that public servants can be compulsorily retired if they are no longer useful to the general administration; and

(b) if so, the number of public servants have been compulsorily retired during the last three years, who have not been useful to the general administration?;

Answer

THE MINISTER OF STATE OF THE MINISTRY OF SMALL SCALE INDUSTRIES, AGRO AND RURAL INDUSTRIES, MINISTER STATE IN THE DEPARTMENT OF PERSONNEL AND TRAINING, DEPARTMENT OF PENSIONS AND PENSIONERS WE OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE II DEPARTMENTS OF ATOMIC ENERGY AND SPACE. (SMT.VASUNDHARA RAJE)

(a): Hon`ble Supreme court, in the case of State of Gujrat Vs. Umedbhai M. Patel, while dismissing an appeal filed by the State Government against a High Court order, directing re-instatement of an Executive Engineer, who was compulsorily retired, has, interalia, observed as under: `Para 11(iii): For better administration, it is necessary to chop off dead-wood, but the order of compulsory retirement can be passed after having due regard to the entire service record of the officer`.

(b): Fundamental Rule 56(j) and Rule 48 of the Central Civil Services (Pension) Rules 1972, confer on the Central Government the right to retire a Central Government servant in public interest from service on the date on which such Government servant completes 30 years` qualifying service or attains 50/55 years of age or any date thereafter to be specified in the notice. In terms of these rules, a review is conducted on such Government servant to adjudge whether he is fit to be retained in Government service. Since powers under the above said rules vest with the authorities which have the power to make substantive appointments to the post from which the Government servant is required to retire, no such data is centrally available.